

# WHY CHILD SOLDIERS ARE SUCH A COMPLEX ISSUE

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*The use of child soldiers in armed conflicts is qualified as one of the worst forms of child labour and concerns up to 300,000 individuals under the age of 18 years, some of whom are much younger. Mostly they are in developing countries with the situation being worse in sub-Saharan Africa, where two-thirds of contemporary armed conflicts are raging. The phenomenon is not recent, but has nevertheless increased with the end of the Cold War and the multiplication of intra-state conflicts. International legal standards have been developed over the past 30 years. The difficulties in implementing them are due to the fact that, in most cases, child soldiers are present in the context of failed states, of internal conflicts, non-state actors, paramilitary organizations, organized crime, minorities and vulnerable groups, and/or mobile or displaced populations. This article attempts to list the main causes of the recruitment and use of child soldiers and suggests long-term cooperation and development as more effective approaches than the present disarmament, demobilization, and reintegration programmes.*

## 1. Introduction

Today, the phenomenon of child soldiers concerns an estimated 200,000 to 300,000 children throughout the world, who are principally in twenty countries. The majority are active in Africa (100,000) and, to a lesser extent, in the Middle East and Asia. Of the thirty-one countries where there were armed conflicts in 1998, 87 per cent used child soldiers below the age of 18 years and 71 per cent children under the age of 15 years.<sup>1</sup> The figures have remained stable since then. In the meantime, the number of armed groups using child soldiers has grown from twenty-three in 2002 to forty in 2006 and fifty-seven in 2007.<sup>2</sup> These figures indicate that international regulation is at least partly successful. It also leads to the conclusion that child soldiers are more and more often used in irregular armed groups.

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<sup>1</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, available at [http://www.child-soldiers.org/library/global-reports?root\\_id=159&directory\\_id=216](http://www.child-soldiers.org/library/global-reports?root_id=159&directory_id=216) (last visited 14 Nov. 2008); Rädda Barnen, Swedish Save the Children, available at: <http://www.rb.se/eng/> (last visited 4 Jul. 2008).

<sup>2</sup> UNICEF, "Number of Armed Groups or Forces using Child Soldiers increases from 40 to 57", 12 Feb. 2008, available at: [http://www.unicef.org/media/media\\_42833.html](http://www.unicef.org/media/media_42833.html) (last visited 14 Nov. 2008).

The two Additional Protocols to the Fourth Geneva Convention of 1949, adopted in 1977, have helped to generalize and regulate the application of international humanitarian law in relation to civilian populations caught up in internal conflict. The Rome Statute of the International Criminal Court (ICC) adopted in 1998 and entered into force in 2002 declares “conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities” is a war crime. Moreover, the International Labour Organization considers child soldiering as one of the “predefined worst forms” of child labour since 1999.<sup>3</sup>

In 2000, the Optional Protocol to the Convention on the Rights of the Child (CRC) on the Involvement of Children in Armed Conflicts, raised the minimum age for the compulsory recruitment and direct participation in hostilities from 15 years to 18 years. Since 2002, when it entered into force, 123 countries have ratified the Optional Protocol.<sup>4</sup> Since February 2007, sixty-six governments have subscribed to the Paris Principles and Guidelines on children associated with armed forces or armed groups.<sup>5</sup> In 2005, the UN Security Council (UNSC) passed Resolution 1612 to set up a “monitoring, reporting and compliance mechanism” to help enforce compliance among groups using child soldiers in armed conflict.<sup>6</sup>

International legal standards have thus been developed in the past 30 years, but progress is slow and uneven. Despite resolutions and statements of intent, the situation may be worsening. UNSC Resolution 1612 speaks of a “lack of overall progress on the ground”.<sup>7</sup> The difficulty of applying these standards is that most cases involve failed states, intra-state conflicts, non-state actors, paramilitary organizations, organized crime, minorities, vulnerable groups, and/or mobile or displaced populations. The situation raises questions about the growing rift between developed countries and groups or regions marginalized within the international community.

This article attempts to list the main reasons why children are recruited and used as soldiers. It suggests that long-term cooperation and development are a better alternative to current disarmament, demobilization, and reintegration (DDR) programmes.

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<sup>3</sup> ILO Convention No. 182 Worst Forms of Child Labour, entered into force 19 Nov. 2000.

<sup>4</sup> Office of the United Nations Commissioner for Human Rights, available at: [http://www2.ohchr.org/english/bodies/ratification/11\\_b.htm](http://www2.ohchr.org/english/bodies/ratification/11_b.htm) (last visited 18 Dec. 2008).

<sup>5</sup> Paris Principles and Guidelines on children associated with armed forces or armed groups, available at: <http://www.unhcr.org/refworld/pdfid/465198442.pdf> (last visited 9 Dec. 2008) and reproduced in the Documents Section of this issue.

<sup>6</sup> UNSC Resolution 1612 (2005), available at: [http://www.undemocracy.com/S-RES-1612\(2005\).pdf](http://www.undemocracy.com/S-RES-1612(2005).pdf) (last visited 14 Nov. 2008).

<sup>7</sup> Center for Defense Information, “UN enters ‘era of application’ in its campaign against child soldiers”, 12 Oct. 2005, available at: <http://www.cdi.org/friendlyversion/printversion.cfm?documentID=3175> (last visited 14 Nov. 2008).

## 2. Unlimited wars

Child soldiers are not a recent phenomenon. On the contrary, in Modern European societies, it was formerly commonplace for children to be enrolled in field regiments, although society was then substantially different. By the end of the eighteenth century in certain regions of France, up to a third of children were killed or abandoned, in particular in towns and in times of famine or hardship.<sup>8</sup> Many abandoned children joined regiments, while the youngest child in large families was often also entrusted to them. They became so-called “lost children”, who often served in the front ranks and the most exposed positions. In this way, they “paid their debt” to society.

In modern times, society underwent a substantial transformation, with an increased regulation of the population. It saw the development of general conscription, but also the establishment of a minimum age for service in national armed forces. The population became increasingly controlled through the advent of mandatory public schooling and mandatory general conscription.<sup>9</sup> This can be seen in the creation of the scout movement and also in the development of physical education in school and youth movements, which were required and determined by military needs.<sup>10</sup>

The escalation of means of warfare brought about by the industrial revolution, the conscription system of the national armed forces of the nineteenth and twentieth centuries, the advent of nuclear weapons and the move towards professionalized armies in the late twentieth century have managed to limit war to a “symmetric” confrontation between national actors.<sup>11</sup> But the end of the Cold War created a new security environment, characterized by the increasingly narrower distinction between peace and war, the increasing numbers of internal conflicts versus the traditional interstate wars, the multiplication of actors (including insurgent and irregular groups, foreign and international military contingents, and private military companies), the increased use of irregular and “asymmetric” warfare (such as ambushes, terrorism, kidnapping, blackmailing, and torture) and insurgent tactics (such as symbolic action, propaganda and deception, exploitation of the media, targeting representatives of institutions, or the civilian population), the increasing numbers of failed states, the implications of local and internal conflicts on the regional and international levels.

It can be argued that the overarching consequences of the increasing complexity of war is the concentration of conflicts in urbanized and densely populated areas and the increasing toll on civilian populations in conflict. The end result of this complexity is a generalization of protracted crisis: a third of the

<sup>8</sup> P. Ariès, *L'enfant et la vie familiale sous l'Ancien Régime*, Paris, Plon, 1960; P. Goubert, *La vie quotidienne dans les campagnes françaises au XVII<sup>e</sup> siècle*, Paris, Hachette, 1982.

<sup>9</sup> M. Foucault, *Surveiller et punir, Naissance de la prison*, Paris, Gallimard, 1975.

<sup>10</sup> L. Mysyrowicz, “L'armée suisse et l'éducation nationale”, *Revue militaire suisse (RMS)*, Thématique histoire militaire, Décembre 2007, 25–9.

<sup>11</sup> M. Van Creveld, *Technology and War from 2000 BC to the Present*, London, Brassey's, 1991.

present conflicts are over 30 years old.<sup>12</sup> And the longer the conflict, the more it impacts upon the livelihoods and future generations, impacting children.

### 3. Children in war

When the Second World War started in 1939, few countries were prepared for a protracted conflict. Military machines were geared towards short, fast “lightning” campaigns. Those who were not suffered dire consequences in the first 2 years of the war.<sup>13</sup>

But as the war lasted, increasing mobilization of the economy and the population for the war effort was undertaken. The drafting age was lowered repeatedly, in order to re-supply the field armies. In Germany, in particular, the total militarization of society can be seen with the conscription of the *Hitlerjugend* youth movements (in 1945, officially enrolled in the armed forces from the age of 16 years upwards) and the *Volkssturm* (popular militias made up of men unfit to serve in the regular army, up to the age of 65 years). It can be argued that the resort to these extremely young and extremely old combatants, as well as the systematic resort to slave labour in concentration camps, is at least in part due to the traditional vision of the Nazi planners, who resisted the drafting of women in the armed forces despite all odds.<sup>14</sup> This situation is exemplified by the fact that the last pictures of Hitler, taken in front of his Berlin bunker, see him congratulating “tank hunting” children below even the official conscription age.

Although the German example is probably the most shocking and the best documented, it should be noted that Allied countries also resorted to the mobilization of their population for the war effort. Women, in particular, served in the industries and the forces in the Soviet Union. The United States instated a “draft” system down to the age of 18 years, in order to field an army of 16 million troops. The United Kingdom’s “call-up” system was necessary in order to field forces – national and Commonwealth – that would keep up with the American numbers in Europe.

The Cold War saw the almost systematic resort to conscription – massive or selective. But child soldiers in this period were essentially an issue in the wars of decolonization. As we have argued before, the increasing use of child soldiers came with the end of the Cold War and the increasing numbers of intra-state wars in the 1990s.

<sup>12</sup> Human Security Report Project, *Human Security Report 2005*, Vancouver, Oxford University Press, 2005. See also A. Vautravers (ed.), “Security Forum 2008 Proceedings” in *Identity and Conflict*, Geneva, Webster, 2008.

<sup>13</sup> France, on the contrary, prepared for a long war. It kept 50 per cent of its Air Force in the colonies in order to prepare a second line of battle. Much of this arsenal was not able to take part in the defence of the country, because of the rapidity of the German advance in May–June 1940.

<sup>14</sup> A. Speer, *Inside the Third Reich*, New York, Macmillan, 1970.

#### 4. Why use child soldiers?

Having reviewed the numbers and geographic distribution of the phenomenon, we must realize that child soldiers are a symptom of deeper issues of a political and economic nature. Projects dealing with the legislation and the consequences of the use of child soldiers in armed forces and armed groups will be dealt with below. But the only effective way of addressing the issue needs to start with an understanding of the root causes.<sup>15</sup> We will argue that these causes are often bundled into clusters.

##### 4.1. *The mobilization of resources and populations for (total) war*

The historical background of the general conscription of resources and personnel for national defence has been described above. Traditional industrial wars and the resort to mass armies (*Millionenheere*) have produced a drive towards the planning of peace-time readiness and the militarization of society. The countries most prone to this tendency are the smaller countries fighting for self-defence (Switzerland, Israel) or medium-sized countries committed to supra-national military alliances hoping, with the mobilization of sufficient forces, to maintain their great power status overseas, while at the same time guaranteeing multiple collective security commitments (France, Spain). While the mobilization of a considerable proportion of society may induce severe consequences in time of “total war” (*true war*), Martin Van Creveld assumes that in general this configuration is less and less probable (*real war*).<sup>16</sup>

It should be noted that despite its apparent obsolescence in the contemporary *true war* literature, focused on the use of highly professional forces using high technology and expensive weaponry, the mobilization of society for territorial defence has emerged in specific countries. As one can see, the idea of symmetric conflict has not completely disappeared. Most of these have in common their designation by the international community as “rogue states”. The mobilization and preparedness for total war can be seen as a deterrent against interference and intervention. This is the case of the regular and irregular forces in Myanmar (where 70,000 or more of the Burma army’s estimated 350,000 soldiers may be children),<sup>17</sup> Nepal (where 6,000–9,000 of the Maoist armed forces are believed to be children),<sup>18</sup> or North Korea. The issue of international relations with these countries is raised. Indeed it could be argued that international sanctions and pressures can be used as causes and/or pretexts by these countries to militarize and draft their youth.

<sup>15</sup> A. Vautravers, “Les enfants soldats”, *Revue militaire uisse (RMS)*, Vol. 4, 2008, 42–4.

<sup>16</sup> M. Van Creveld, *Technology and War from 2000 BC to the Present*, op. cit. 11, 4; M. Van Creveld, *The Transformation of War*, New York, Free Press, 1989.

<sup>17</sup> Human Rights Watch, “My Gun was as Tall as Me: Child Soldiers in Burma”, Oct. 2002, available at: <http://www.hrw.org/legacy/reports/2002/burma/> (last visited 29 Dec. 2008).

<sup>18</sup> Human Rights Watch, “Maoists Should Release Child Soldiers Today”, 6 May 2007, available at: <http://www.hrw.org/en/news/2007/05/06/nepal-maoists-should-release-child-soldiers-now> (last visited 29 Dec. 2008).

#### *4.2. The mobilization of (irregular) forces for resistance against a central power*

Today, a majority of child soldiers are found not in regular national armies, but rather in armed groups, guerrillas, paramilitary or military forces organized by dissident or secessionist movements, by terrorist organizations or organized crime.<sup>19</sup> This is the case of the highly publicized left-wing Revolutionary Armed Forces of Columbia (FARC), which accounts for 80 per cent of the child soldiers in the country.<sup>20</sup>

It can be argued that paramilitary or rebel groups will more frequently resort to the use of child soldiers, as these groups are often active against authoritarian regimes. As the men in age of bearing arms in these countries are often drafted (Sections 4.1 and 4.4) in the regular/national military forces, the sections of the population from which these movements typically recruit are peripheral/rural populations, clandestine or marginal/persecuted minorities, vulnerable or displaced populations, as well as children below the nominal age of conscription.

The erosion of the Westphalian system after the fall of the Berlin Wall, which some scholars have described as the development of “neo feudalism”, have generally weakened central authorities and encouraged the arming of rebel groups fighting the central authority. This is the case in the Philippines, where 13 per cent of the 10,000 strong Moro Islamic Liberation Front (MILF) are children. This is a clear case in Chad with the United Front for Democratic Change (FUC) with over 1,000 child irregulars and rebel groups in the Democratic Republic of the Congo (DRC) accounting for over 30,000 children abducted in paramilitary forces. In Uganda, the rebel Lord’s Resistance Army has used over 30,000 boys and girls as soldiers in the past 30 years. In the failed state of Somalia, all groups have resorted to the use of child soldiers, accounting for an estimated 200,000 individuals in the past 16 years.<sup>21</sup>

#### *4.3. Independence and political survival*

We have addressed in Section 4.1 the need for “rogue states” and countries marginalized from the international community to ensure deterrence and territorial defence by all means available. In the case of ideological or religious authoritarian regime, the mobilization of youth movements and their use in preparation for conventional defence as well as intra-state COunter INsurgency (COIN) is another cause for the use of child soldiers. We have

<sup>19</sup> R. Rosenblatt, *Children of War*, London, New English Library, 1983.

<sup>20</sup> Human Rights Watch, “Colombia: Armed Groups Send Children to War”, available at: <http://www.hrw.org/en/news/2005/02/21/colombia-armed-groups-send-children-war> (last visited 14 Nov. 2008).

<sup>21</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, available at: <http://www.childsoldiersglobalreport.org/> (last visited 29 Dec. 2008).

noted above the cases of Myanmar or North Korea, and may add the case of Bolivia (40 per cent of the regular army is believed to be under the age of 18 years, with half of those aged 14–16 years).<sup>22</sup>

#### *4.4. Exercising control over populations, vulnerable/displaced populations*

Most authoritarian regimes and movements have resorted to a form of indoctrination or militarization. The incorporation of large numbers of youths in youth organizations, paramilitary groups and possibly overlapping political, ideological or religious structures has served the purpose of exercising control over a population. The activities, opinions and to a great extent, the violence of people can be controlled and channelled in this way, against a designated “threat” – foreign or internal.

This can be found in examples such as the Maoist Communist Party of Nepal, which has not demobilized its 6,000–9,000 child paramilitaries, despite a peace agreement being in place.<sup>23</sup> Other examples of delayed demobilization include Zimbabwe and Côte d’Ivoire.<sup>24</sup>

Children belonging to minorities, mobile or displaced populations “may be at greater risk of recruitment or use by armed forces or armed groups due to reduced social protection and coping mechanisms, discrimination on the basis of their displaced status or their perceived allegiance with a belligerent”.<sup>25</sup> Marginal, minority, or immigrant populations may be specifically targeted for recruitment in the armed forces for their social or ethnic differences. In particular, Communist regimes in the 1960–1980s – through the use of mass youth movements – used recruitment and displacement of populations as a tool of integration and population control.

In any case, the difficulty of tracing these children once they have been recruited, reuniting them with their families and reintegrating them in their community poses extraordinary demands on humanitarian organizations. In particular, the application of the 1951 Refugee Convention must take into account age and gender when delivering the status of refugee. In the case of internally displaced persons (IDPs), international pressure as well as “name and shame” will need to complement the soft law available.

#### *4.5. Productivity and decolonization*

Newly independent states, having to come to terms with poverty, lack of skilled workers and technical expertise, as well as governance issues, can often not afford

<sup>22</sup> Global March Against Child Labour, *Report on the Worst Forms of Child Labour*, 2005, available at: <http://www.globalmarch.org/resourcecentre/world/bolivia.pdf> (last visited 9 Dec. 2008).

<sup>23</sup> Human Rights Watch, “Nepal: Maoists Should Release Child Soldiers Now”, available at: <http://hrw.org/english/docs/2007/05/07/nepal15863.htm> (last visited 19 Dec. 2008).

<sup>24</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2008*, *op. cit.* 21.

<sup>25</sup> Paris Principles and Guidelines, *op. cit.* 5.



to mobilize adults in order to settle conflicts or wage their wars. A conjunction of structural economic and demographic disequilibrium prevents them from mobilizing the most productive, sedentary and experienced forces of the country, as we will point out below. Youth labour can be seen as less costly, available as it is nearly unlimited, easier to mobilize and, some will argue, “expendable”.

This raises both the child labour and the child soldier warning signs. We will consider in this respect that both issues are linked, requiring the recognition that the potential of these children needs to be realized in constructive ways. Education is expensive.<sup>26</sup> But sacrificing the youth for short-term goals will durably affect development, as children are seen solely from an immediate productivity perspective and not, as they should, in long-term factors of production, social and economic change, future active members of the socio-political community.

#### *4.6. Cheap and unlimited resource*

The population in Africa was estimated at 922 million in 2005. It has doubled in the past 28 years and quadrupled in the past 55 years.<sup>27</sup> Over 40 per cent of the population in Sub-Saharan African countries are below the age of 15 years. Out of fifty-three countries, individuals in twenty-eight countries have a life expectancy at birth below 50 years, while forty-three have a life expectancy of below 60 years. The average population growth is 3 per cent.<sup>28</sup> But exogenous factors (such as HIV/AIDS, health, and conflicts), and endogenous changes in behaviour will limit Africa’s demographic growth.

On the other hand, the highest population growth is expected in Western Asia. The most rapidly growing countries are: India, China, Pakistan, Nigeria, Ethiopia, Indonesia, the United States of America, Bangladesh, Zaire, and Iran (in that order).<sup>29</sup>

The structure of the population will create imbalances. According to UN estimates, the population will age globally, seeing an increase in the number of people aged 65 years or over from 131 million in 1950 to 371 million in 1994. The projected numbers of older persons will double by 2025 and may reach 1.4 billion by 2050, representing one-tenth of the global population. A significant proportion of this is due to the ageing of the “baby boom” generation in Europe, in North America, in Japan and more significantly, in China.<sup>30</sup>

<sup>26</sup> S. Tawil and A. Harley (eds), *Education, Conflict and Social Cohesion*, Geneva, UNESCO International Bureau of Education, 2004.

<sup>27</sup> UN Department of Economic and Social Affairs, UN Population Division, “World Population Prospects: The 2006 Revision”, database available at: <http://esa.un.org/unpp/> (last visited 29 Dec. 2008).

<sup>28</sup> US Central Intelligence Agency, *The 2008 World Factbook*, Washington DC, Directorate of Intelligence, 2008, available at: <http://www.cia.gov/library/publications/the-world-factbook/> (last visited 29 Dec. 2008).

<sup>29</sup> International Institute for Applied Systems Analysis (IIASA), “Asian Demographic & Human Capital Data Sheet 2008” (chapter 1), available at: <http://www.iiasa.ac.at/Research/LUC/Papers/gkh1/chap1.htm> (last visited 29 Dec. 2008).

<sup>30</sup> *Ibid.*



In order to “pay” and “care” for the ageing population, pressure on the active population will necessarily increase. In several countries, the social contribution length is increasing for both men and women. We may witness, in the coming decades, increased pressure to obtain younger and younger workforce. In parallel, where the age pyramid still has a wide base – in particular in Africa, children will be under increased pressure to work in their home country or emigrate to find work abroad.

#### 4.7. *Gregarious instinct*

For many young people in precarious situations, in countries without perceptible prospects of personal development and economic or employment security, joining armed groups can be seen as a form of group and individual security. Bearing arms, in many parts of the world, is seen as a sign of authority and power. It may guarantee access to food, commodities, and favours outside of the rule of law. A symptom is the AK-47 Kalashnikov, copied and produced in millions by developing countries, readily available for a few dollars on open markets, and known in some parts of the world as the “African credit card”.<sup>31</sup>

It can be argued that lawlessness and the development of armed groups, disputing central authorities and the rule of law, are intrinsically linked. Here again, a pragmatic policy of “nation-building” is necessary to ensure that weak governments can find the support and international legitimacy to assert themselves over centrifugal forces and groups. This may, in turn, be contradicted by the present trend towards the notions of human security, responsibility to protect and democratization, which, like the international designation of rogue or failed states, in effect weaken sovereignty, legitimacy and central authorities.

Here also, the International Community must be pragmatic and chose the lesser of two evils. The choice is between pragmatism and cultural relativism, on one side, versus idealist and long-term objectives on the other.

#### 4.8. *Discipline*

It can be argued that children are easier to lead and command than adults. Without analysing the psychological grounds for this (pride, lack of experience and self-confidence, rite of passage, gregarious instincts, peer imitation and paternalistic models), historical examples show repeated use of fanaticized youth groups in times of war.

The example of the 12th Waffen-SS division “Hitlerjugend” is clear on this point. A total of 22,000 soldiers were formed into one of the strongest fighting outfits available to the Germans on the Normandy front in the summer of 1944. The average age of the division was 17 years; most of the conscripts were 16 years old, while their commander was only 36 years old.<sup>32</sup> The literature and archives demonstrate that despite fierce fighting and resistance at all costs, this unit was

<sup>31</sup> H.-J. Reichen, “One Year in the MONUC”, in *Identity and Conflict*, *op. cit.* 12.

<sup>32</sup> G. Bernage and H. Meyer, *12. SS Panzer-Division Hitlerjugend*, Caen, Heimdal, 1991.

decimated and encircled in the Falaise pocket. Only 300 soldiers managed to escape and the unit ceased to exist as an organized fighting force. Some historians will say that this attitude and action had only a limited impact on the tactical situation and the course of events. This end result is far from any romantic or heroic vision of a war, or from any sound and responsible military decision.

Normandy is perhaps an exception. Other examples in the Middle East, Latin America or Asia show that discipline in such units is far from the norm. We will argue on the contrary that such units, made up of extremely young soldiers, have little or no military value. This has been demonstrated in-depth by comprehensive studies conducted by the US military after the Second World War and after the Vietnam conflict. These draw parallels between the effectiveness of fighting units and age/experience of troops.<sup>33</sup> The consequences of these studies have been the professionalization and the encouragement of longer careers in armed forces.

Units made up of “child combatants” are best suited for paramilitary operations and have little or no tactical value. Worse, they tend to be less focused and disciplined, inducing higher rates of infringement of international humanitarian law. More expertise and research in this field is necessary, to demonstrate the futility of enrolling youth in military forces. This message needs to be heard by the recruiters and decision-makers.

#### *4.9. Irregularities in irregular groups*

We have shown, in the cases demonstrated above, that a large proportion of child soldiers are found in rebel and non-state pressure groups. In the cases where these soldiers serve national governments, they are often incorporated in paramilitary forces, and are rarely acknowledged publicly as being a part of the regular forces. In some cases, government or State failure adds to other issues discussed above.

The lack of State sovereignty is therefore the cornerstone of the child soldier problem. It can therefore be argued that progress in the field of international law and regulation can only yield limited results in face of the circumstances. Indeed, as demonstrated above, international pressure and advocacy may erode government legitimacy and sovereignty even further. Worse, international economic sanctions will most certainly deepen the rift and encourage counterproductive courses of action.

In this area, participatory efforts are a slower but more rewarding solution. The increasing multinational security collaboration, the development of supranational security frameworks – the Organization for Security and Cooperation in Europe (OSCE), African Union, the Partnership for Peace initiative of the North Atlantic Treaty Organization (NATO) – will help to draw up common

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<sup>33</sup> M. Van Creveld, *Fighting Power: German and US Army Performance, 1939–1945*, Westport, Greenwood, 1982; M. Van Creveld, *Kampfkraft: Militärische Organisation und Militärische Leistung, 1939–1945*, Freiburg, Rombach, 1989.

standards and practices. This can already be seen in the wake of supra-national or UN-led multinational peace support operations.

#### *4.10. Alcohol, drugs, and other substances*

We have argued that international legislation and moral arguments are unlikely to have an impact on rebel groups and rogue states. As most of these governments, movements, or armed groups do not have access to the free global economy the situation is only exacerbated by the fact that these actors must often fund their war efforts through illegal channels.

Rebel groups and non-state actors may resort to plundering and blackmailing civilian populations for sources of finance. Cases of forced recruitment and abduction can be attested all over the world. Finally, we must also open our eyes to the links between such organizations and organized crime. Even the “virtuous” Taliban, who quelled the source of opium in Afghanistan, have resorted to this to survive, re-form, and arm themselves.<sup>34</sup>

The children abducted or enrolled in armed groups are, in numerous cases, held under influence by alcohol, drugs, or other substances. While this may ensure some measure of “loyalty”, it cannot be ignored that this encourages criminal activities and war crimes. We will therefore argue that the fight against child soldiers necessitates increased cooperation and collaboration in the fight against drugs and crime: from narcotics to corruption, illegal traffics, and small arms smuggling.

### **5. Conclusion**

As indicated above, three main legal texts regulate the issue of child soldiers today. First, the two Additional Protocols of 1977 to the 4th Geneva Convention of 1949. Second, the UN CRC of 1989. The 2000 Optional Protocol on the involvement of children in armed conflicts is an attempt to homogenize definitions and minimal ages. Third, the Rome Statute of the ICC adopted in 1998 and entered into force in 2002 declares “conscripting or enlisting children under the age of 15 years into the national armed forces or using them to participate actively in hostilities” is a war crime.

The phenomenon of child soldiers is not limited to developing countries. In the United States, recruitment in the armed forces is permitted at the age of 17 years, on a voluntary basis and with parental permission. Until the age of 18 years, however, they may not be deployed in combat situations. In Canada, the minimum recruiting age into the reserve is 16 years with parental permission, while the regular component is 17 years and deployment may not take place below the age of 18 years.<sup>35</sup> In the United Kingdom, the minimum enlistment age is 16.5 years with parental permission below 18 years of age. The British

<sup>34</sup> C. Rakisits, “Pakistan’s Tribal Areas”, in *Identity and Conflict*, *op. cit.* 12.

<sup>35</sup> Canadian Armed Forces Recruiting information, “How to join”, available at: [http://www.forces.ca/v3/engraph/resources/howtojoin\\_en.aspx?bhcp=1#be](http://www.forces.ca/v3/engraph/resources/howtojoin_en.aspx?bhcp=1#be) (last visited 4 Jul. 2008).

army argues that approximately 40 per cent of its numbers enlisted at the ages of 16–17 years.<sup>36</sup>

International pressure, especially from public opinion and civil society organizations in Northern countries, is strong and resolute. However, we cannot overemphasize the importance of setting examples in this area.

Despite criticism about the enrolment age in Western armed forces, we should not lose sight of the fact that child soldiers are mainly an issue in poor, marginalized, or disputed countries, where state sovereignty is challenged. The majority of child soldiers are members of irregular armed groups.

Combating the phenomenon of child soldiers cannot be limited to addressing its consequences, in the form of DDR programmes. Such programmes take time, are costly, and their results are uncertain. Morally, the issue is difficult to come to terms with. The Paris Principles encourage observers to “consider (child soldiers) primarily as victims of offences against international law; not only as perpetrators”. But we must understand how difficult this is in practice, in the wake of reconciliation and rehabilitation efforts.<sup>37</sup>

For psychological and social reasons, we must act ahead of the problem. Through regulation, fighting organized crime and trafficking, partnership, nation-building assistance, and development, we must make the world safer and more responsible.

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<sup>36</sup> Human Rights Watch, “Child Soldiers in the UK”, available at: <http://www.hrw.org/campaigns/crp/promises/soldiers.html> (last visited 4 Jul. 2008).

<sup>37</sup> P. Chapleau, *Enfants-soldats: Victimes ou criminels de guerre?*, Paris, Rocher, 2007.